UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,611	07/08/2003	Vinodh Kumar Ravindranath	CSCO-033/7051	7461

26392   7590   03/31/2006

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EXAMINER
TRAN, QUOC DUC

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/614,611	RAVINDRANATH ET AL.
	Examiner	Art Unit	
	Quoc D. Tran	2614	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _13 January 2006_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
     closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-40_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-5,7-15,17-25,27-35 and 37-40_ is/are rejected.

7)☒ Claim(s) _6,16,26 and 36_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 11, 21 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Zanaty (6,741,685) in view of Kaplan et al (6,829,234).

Consider claim 1, Zanaty teaches a method of supporting a user to access a service, said

method being performed in a service selection gateway (SSG), said method comprising:

receiving in said SSG, data representing a plurality of switching points (col. 4 lines 1-23);

counting in said SSG, a traffic volume from or to each of said plurality of switching points (col.

5 lines 1-34) and sending from said SSG, an accounting record containing said traffic volume

(col. 4 lines 24-55).

Zanaty did not clearly disclose where each of said switching points comprising *a time*

point. However, Kaplan '234 suggested such (col. 9 lines 57-60).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time

the invention was made to incorporate the teaching of Kaplan '234 into view of Zanaty et al in

order to provide a more accurate accounting for the call.

Consider claim 11, Zanaty teaches a machine readable medium carrying one or more

sequences of instructions for causing a SSG to support a user to access a service, wherein

execution of said one or more sequences of instructions by one or more processors contained in

said SSG causes said one or more processors to perform the actions of: receiving in said SSG,

data representing a plurality of switching points (col. 4 lines 1-23); counting in said SSG, a

traffic volume from or to each of said plurality of switching points (col. 5 lines 1-34); and

sending from said SSG, an accounting record containing said traffic volume (col. 4 lines 24-55).

Zanaty did not clearly disclose where each of said switching points comprising *a time*

point. However, Kaplan '234 suggested such (col. 9 lines 57-60).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time

the invention was made to incorporate the teaching of Kaplan '234 into view of Zanaty et al in

order to provide a more accurate accounting for the call.

Consider claim 21, Zanaty teaches a service selection gateway (SSG) supporting a user to

access a service, said SSG comprising: means for receiving data representing a plurality of

switching points (col. 4 lines 1-23); means for counting a traffic volume from or to each of said

plurality of switching points (col. 5 lines 1-34); and means for sending an accounting record

containing said traffic volume (col. 4 lines 24-55).

Zanaty did not clearly disclose where each of said switching points comprising *a time*

point. However, Kaplan '234 suggested such (col. 9 lines 57-60).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time

the invention was made to incorporate the teaching of Kaplan '234 into view of Zanaty et al in

order to provide a more accurate accounting for the call.

Consider claim 31, Zanaty teaches a service selection gateway (SSG) supporting a user to

access a service, said SSG comprising: a tariff block receiving data representing a plurality of

switching points (col. 4 lines 1-23); a forwarding block forwarding a plurality of packets related

to said user (col. 4 lines 1-23); an accounting block counting a traffic volume from or to each of

said plurality of switching points according to said plurality of packets (col. 5 lines 1-34); and an

outbound interface sending an accounting record containing said traffic volume (col. 4 lines 24-

55).

Zanaty did not clearly disclose where each of said switching points comprising *a time*

point. However, Kaplan '234 suggested such (col. 9 lines 57-60).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time

the invention was made to incorporate the teaching of Kaplan '234 into view of Zanaty et al in

order to provide a more accurate accounting for the call.

3.   Claims 2-5, 9-10, 12-15, 19-20, 22-25, 29-30, 32-35 and 39-40 are rejected under 35

U.S.C. 103(a) as being unpatentable over Zanaty (6,741,685) in view of Kaplan et al (6,829,234)

and further in view of Kaplan et al (6,473,404).

Consider claim 2, as discussed above, Zanaty did not suggest wherein each of said

plurality of switching points comprises a time point at which a *tariff changes to access said*

service. However, Kaplan et al suggested such (col. 3 lines 21-31). Therefore, it would have been

obvious to one of the ordinary skill in the art at the time the invention was made to incorporate

the teaching of Kaplan et al into view of Zanaty and Kaplan '234 in order to provides the most

economical route for the communications.

Consider claim 3, Zanaty teaches wherein said traffic volume comprises an aggregate

count of data transferred (col. 4 lines 33-55; col. 5 lines 35-65). It should be noted that Zanaty

did not specifically suggests count of data transferred. However, the count can be determined

based on the rate and duration of data transfer. Thus, charging for transferring of data varied by

each service providers.

Consider claim 4, Zanaty teaches wherein said traffic volume comprises a marginal count

from a previous switching point, said accounting record further comprising an aggregate count

(col. 4 lines 33-55; col. 5 lines 35-65).

Consider claim 5, Zanaty teaches the method further comprising maintaining a marginal

counter and an aggregate counter to count said marginal count and said aggregate count

respectively (col. 4 lines 33-55; col. 5 lines 35-65).

Consider claim 9, Zanaty teaches wherein said service is billed according to a post-paid

model (col. 1 lines 54-67). It should be noted that the billing model is post-paid since prepaid

model will requires verification of the account and monetary sufficiently prior to provide the

requested services.

Consider claim 10, Kaplan et al teach wherein said traffic volume is associated with a

session initiated by said user (abstract).

Consider claim 12, as discussed above, Zanaty did not suggest wherein each of said

plurality of switching points comprises a time point at which a *tariff changes to access said*

service. However, Kaplan et al suggested such (col. 3 lines 21-31). Therefore, it would have been

obvious to one of the ordinary skill in the art at the time the invention was made to incorporate

the teaching of Kaplan et al into view of Zanaty and Kaplan '234 in order to provides the most

economical route for the communications.

Consider claim 13, Zanaty teaches wherein said traffic volume comprises an aggregate

count of data transferred (col. 4 lines 33-55; col. 5 lines 35-65). It should be noted that Zanaty

did not specifically suggests count of data transferred. However, the count can be determined

based on the rate and duration of data transfer. Thus, charging for transferring of data varied by

each service providers.

Consider claim 14, Zanaty teaches wherein said traffic volume comprises a marginal

count from a previous switching point, said accounting record further comprising an aggregate

count (col. 4 lines 33-55; col. 5 lines 35-65).

Consider claim 15, Zanaty teaches the machine readable medium further comprising

maintaining a marginal counter and an aggregate counter to count said marginal count and said

aggregate count receptively (col. 4 lines 33-55; col. 5 lines 35-65).

Consider claim 19, Zanaty teaches wherein said service is billed according to a post-paid

model (col. 1 lines 54-67). It should be noted that the billing model is post-paid since prepaid

model will requires verification of the account and monetary sufficiently prior to provide the

requested services.

Consider claim 20, Kaplan et al teach wherein said traffic volume is associated with a

session initiated by said user (abstract).

Consider claim 22, as discussed above, Zanaty did not suggest wherein each of said

plurality of switching points comprises a time point at which a *tariff changes to access said*

service. However, Kaplan et al suggested such (col. 3 lines 21-31). Therefore, it would have been

obvious to one of the ordinary skill in the art at the time the invention was made to incorporate

the teaching of Kaplan et al into view of Zanaty and Kaplan '234 in order to provides the most

economical route for the communications.

Consider claim 23, Zanaty teaches wherein said traffic volume comprises an aggregate count of data transferred (col. 4 lines 33-55; col. 5 lines 35-65). It should be noted that Zanaty did not specifically suggests count of data transferred. However, the count can be determined based on the rate and duration of data transfer. Thus, charging for transferring of data varied by each service providers.

Consider claim 24, Zanaty teaches wherein said traffic volume comprises a marginal count from a previous switching point, said accounting record further comprising an aggregate count (col. 4 lines 33-55; col. 5 lines 35-65).

Consider claim 25, Zanaty teaches the SSG further comprising means for maintaining a marginal counter and an aggregate counter to count said marginal count and said aggregate count respectively (col. 4 lines 33-55; col. 5 lines 35-65).

Consider claim 29, Zanaty teaches wherein said service is billed according to a post-paid model (col. 1 lines 54-67). It should be noted that the billing model is post-paid since prepaid model will requires verification of the account and monetary sufficiently prior to provide the requested services.

Consider claim 30, Kaplan et al teach wherein said traffic volume is associated with a session initiated by said user (abstract).

Consider claim 32, as discussed above, Zanaty did not suggest wherein each of said plurality of switching points comprises a time point at which a *tariff changes to access said service*. However, Kaplan et al suggested such (col. 3 lines 21-31). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate

the teaching of Kaplan et al into view of Zanaty and Kaplan '234 in order to provides the most

economical route for the communications.

Consider claim 33, Zanaty teaches wherein said traffic volume comprises an aggregate

count of data transferred (col. 4 lines 33-55; col. 5 lines 35-65). It should be noted that Zanaty

did not specifically suggests count of data transferred. However, the count can be determined

based on the rate and duration of data transfer. Thus, charging for transferring of data varied by

each service providers.

Consider claim 34, Zanaty teaches wherein said traffic volume comprises a marginal

count from a previous switching point, said accounting record further comprising an aggregate

count (col. 4 lines 33-55; col. 5 lines 35-65).

Consider claim 35, Zanaty teaches wherein said accounting block maintains a marginal

counter and an aggregate counter to count said marginal count and said aggregate count

respectively (col. 4 lines 33-55; col. 5 lines 35-65).

Consider claim 39, Zanaty teaches wherein said service is billed according to a post-paid

model (col. 1 lines 54-67). It should be noted that the billing model is post-paid since prepaid

model will requires verification of the account and monetary sufficiently prior to provide the

requested services.

Consider claim 40, Kaplan et al teach wherein said traffic volume is associated with a

session initiated by said user (abstract).

4.   Claims 7-8, 17-18, 27-28 and 37-37 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Zanaty (6,741,685) and Kaplan et al (6,829,234) in view of Kaplan et al

(6,473,404) and further in view of Lowe et al (6,539,082).

Consider claim 7, Zanaty and Kaplan et al did not clearly suggest wherein said accounting record is sent at least once in every tariff duration, wherein said tariff duration is between successive ones of said plurality of switching points (i.e., call completion). However, Lowe et al suggested such (col. 5 lines 43-64). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Lowe et al into view of Zanaty and Kaplan et al in order to generate billing record for the requested services.

Consider claim 8, Kaplan et al teach wherein said plurality of switching points are specified for each day (col. 5 lines 40-47).

Consider claim 17, Zanaty and Kaplan et al did not clearly suggest wherein said accounting record is sent at least once in every tariff duration, wherein said tariff duration is between successive ones of said plurality of switching points (i.e., call completion). However, Lowe et al suggested such (col. 5 lines 43-64). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Lowe et al into view of Zanaty and Kaplan et al in order to generate billing record for the requested services.

Consider claim 18, Kaplan et al teach wherein said plurality of switching points are specified for each day of a week (col. 5 lines 40-47).

Consider claim 27, Zanaty and Kaplan et al did not clearly suggest wherein said accounting record is sent at least once in every tariff duration, wherein said tariff duration is between successive ones of said plurality of switching points (i.e., call completion). However, Lowe et al suggested such (col. 5 lines 43-64). Therefore, it would have been obvious to one of

the ordinary skill in the art at the time the invention was made to incorporate the teaching of

Lowe et al into view of Zanaty and Kaplan et al in order to generate billing record for the

requested services.

Consider claim 28, Kaplan et al teach wherein said plurality of switching points are

specified for each day (col. 5 lines 40-47).

Consider claim 37, Zanaty and Kaplan et al did not clearly suggest wherein said

accounting record is sent at least once in every tariff duration, wherein said tariff duration is

between successive ones of said plurality of switching points (i.e., call completion). However,

Lowe et al suggested such (col. 5 lines 43-64). Therefore, it would have been obvious to one of

the ordinary skill in the art at the time the invention was made to incorporate the teaching of

Lowe et al into view of Zanaty and Kaplan et al in order to generate billing record for the

requested services.

Consider claim 38, Kaplan et al teach wherein said plurality of switching points are

specified for each day (col. 5 lines 40-47).

Allowable Subject Matter

5.   Claims 6, 16, 26 and 36 are objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of the

base claim and any intervening claims.

Response to Arguments

6.   Applicant's arguments with respect to claims 1-40 have been considered but are moot in

view of the new ground(s) of rejection.

Important Notice

7.   The Group and/or Art Unit location of your application in the PTO has changed. To aid

in correlating any papers for this application, all further correspondence regarding this

application should be directed to ***Group Art Unit 2614***.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

10.   Any response to this action should be mailed to:

> Mail Stop ____(explanation, e.g., Amendment or After-final, etc.)
> Commissioner for Patents
> P.O. Box 1450
> Alexandria, VA 22313-1450
> Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:
Customer Service Window
Randolph Building
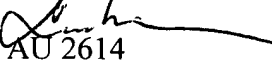401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and Friday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QUOC TRAN
PRIMARY EXAMINER
AU 2614
March 21, 2006